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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/761,917 | 01/15/2004 | Edward F. Doyle III | DAM 590-03 | 4092 |
| 24211 7590 06/18/2007 US ARMY SOLDIER AND BIOLOGICAL CHEMICAL COMMAND OFFICE OF THE CHIEF COUNSEL/IP TEAM (BLDG E4435) 5183 BLACKHAWK ROAD APG, MD 21010-5424 | | | EXAMINER FIORITO, JAMES | |
| | | | ART UNIT 1754 | PAPER NUMBER |
| | | | MAIL DATE 06/18/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/761,917 | Applicant(s) DOYLE ET AL. | |
| | Examiner James A. Fiorito | Art Unit 1754 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II, Claims 21-28 in the reply filed on 4/30/2007 is acknowledged.

Claims 1-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/30/2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japan 409117735.

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Japan teaches a shell of poison gas such as sarin or a container in which an organic hetero compound such as PCB is sealed is put in a batch type hydrothermal reactor, and is isolated from outside. By jetting alkali water under high pressure and at high speed by a water jet device, the gas shell or the like is pierced to discharge the contents to inside the reactor. After removing the water jet device, hydroxide of metal such as iron is subjected to hydrothermal reaction under a catalyst or oxygen-or air-blowing in critical conditions by hydrothermal action of water or alkali water by a hardly decomposable material. In this way, poison gas or the like is converted into hydrocarbon or neutralized salt, and is made harmless. Next, the resultant hydrocarbon or the like is cooled under reduced pressure, and is fractionated by component (Abstract).

Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschritter US 6881383 in view of Japan 409117735.

Tschritter teaches an explosive destruction system and method for safely destroying explosively configured chemical munitions. The system comprises a sealable, gas-tight explosive containment vessel, a fragment suppression system positioned in said vessel, and shaped charge means for accessing the interior of the munition when the munition is placed within the vessel and fragment suppression system. Also provided is a means for treatment and neutralization of the munition's chemical fills, and means for heating and agitating the contents of the vessel. The system is portable, rapidly deployable and provides the capability of explosively

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destroying and detoxifying chemical munitions within a gas-tight enclosure so that there is no venting of toxic or hazardous chemicals during detonation (Abstract).

Tschritter does not expressly state that the explosive destruction system includes the process steps of heating the chemical or biological material with water and an oxidant contained within the chamber to a temperature and pressure that exceeds the critical temperature and critical pressure of the water to initiate a supercritical oxidation process.

Japan teaches the process the process steps of heating the chemical or biological material with water and an oxidant contained within the chamber to a temperature and pressure that exceeds the critical temperature and critical pressure of the water to initiate a supercritical oxidation process (Abstract). Tschritter and Japan are analogous art because they are from the same field of endeavor, namely process of destroying hazardous chemical materials.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to form the process of Tschritter to include the process of steps of heating the chemical or biological material with water and an oxidant contained within the chamber to a temperature and pressure that exceeds the critical temperature and critical pressure of the water to initiate a supercritical oxidation process in view of the teaching of Japan. The suggestion or motivation for doing so would have been to prevent secondary environmental pollution by providing a means of detoxifying the hazardous chemical discharged in the process of Tschritter (Abstract).

Conclusion

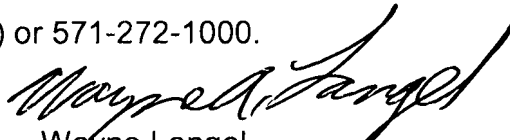
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fiorito whose telephone number is (571)272-7426. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
AU 1754

JF


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